

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Civil Case No. 14-13363

Plaintiff,

Honorable Robert H. Cleland

vs.

TEN THOUSAND THREE HUNDRED
FORTY NINE DOLLARS (\$10,349.00)
IN U.S. CURRENCY,

Defendant *in Rem*.

**STIPULATION AND AGREEMENT FOR ENTRY OF
CONSENT JUDGMENT AND FINAL ORDER OF FORFEITURE**

Plaintiff, the United States of America (hereinafter the “United States”), by and through its counsel, Barbara L. McQuade, United States Attorney for the Eastern District of Michigan, and Philip A. Ross, Assistant United States Attorney, and claimant, SHANTE PRUITT, by and through her attorney, Ben M. Gonek, Esq., (the United States and SHANTE PRUITT shall be referred to collectively as “the Parties”) enter into this Stipulation and Agreement for Entry of Consent Judgment and Final Order of Forfeiture as to Defendant Ten Thousand Three Hundred Forty Nine Dollars (\$10,349.00) in U.S. Currency, (the “Defendant

Currency”) under the terms and conditions hereinafter set forth:

Agents with the United States Drug Enforcement Administration (“DEA”), and other law enforcement agencies seized the Defendant Currency while executing a state search warrant at SHANE PRUITT’s home located on Rutland Street in Detroit, Michigan on or about April 25, 2014;

SHANTE PRUITT filed an administrative claim with the DEA, and thereafter, DEA referred the matter to the United States Attorney’s Office for judicial forfeiture;

On August 29, 2014, the United States filed a civil judicial forfeiture complaint against the Defendant Currency pursuant to 21 U.S.C. Section 881(a)(6) (Docket #1) (the “Complaint”);

The United States filed its Declaration of Publication of the civil judicial forfeiture action on or about December 2, 2014 (Docket #11);

On October 14, 2014, SHANTE PRUITT filed a Verified Notice of Claim (Docket #6) and on October 21, 2014 filed an Answer to the Complaint for Forfeiture (Docket #7);

No other verified claims of interest have been filed by any party in the civil judicial forfeiture action, and the time for filing such claims has expired;

The Parties are aware of their respective rights and wish to resolve this action without further litigation and expense;

NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

1. This action is an *in rem* civil forfeiture action brought pursuant to 21 U.S.C. Section 881(a)(6).

2. The Court has jurisdiction and venue over this action pursuant to 28 U.S.C. Sections 1345, 1355(b)(1)(A), 1391(b)(2), and 1395(b).

3. The allegations of the Complaint are well taken and the United States and its agents had reasonable cause to seize the Defendant Currency, as provided in 28 U.S.C. Section 2465. The position of the United States and its agents and employees in this action was and remains substantially justified as set forth in 28 U.S.C. Section 2412. SHANTE PRUITT shall not claim or seek attorneys' fees and costs in connection with this action and knowingly and voluntarily waives any and all claims she may have for attorneys' fees and costs, whether under the Civil Asset Forfeiture Reform Act of 2000, the Equal Access to Justice Act, or any other statute, rule or regulation.

4. The Parties stipulate and agree that the following shall be **FORFEITED** to the United States pursuant to 21 U.S.C. Section 881(a)(6): Eight Thousand Three Hundred Forty Nine Dollars (\$8,349.00) of the Defendant

Currency seized on or about April 25, 2014, plus any interest accrued since the seizure date on the total amount of Defendant Currency (hereinafter, the “Forfeited Currency”). Any right, title or ownership interest of SHANTE PRUITT and her agents, successors, assigns, and any right, title or ownership interest of all other persons, in the Forfeited Currency is hereby and forever **EXTINGUISHED** and clear title and all interest in the Forfeited Currency shall **VEST** in the United States, and the United States Marshals’ Service (“USMS”), or its delegate, is **AUTHORIZED** to dispose of the Forfeited Currency according to law.

5. Pursuant to this Stipulation and Agreement, SHANTE PRUITT agrees to **WITHDRAW** any and all claims she has made for the Defendant Currency, including any administrative claims of interest and petitions for remission or mitigation filed with DEA.

6. The Parties stipulate and agree that the following shall be **RETURNED** to SHANTE PRUITT: Two Thousand Dollars (\$2,000.00) of the Defendant Currency seized on or about April 25, 2014. The United States agrees to release this amount, \$2,000.00, to SHANTE PRUITT, less any debt owed to the United States, any agency of the United States, or any other debt which the United States is authorized to collect from SHANTE PRUITT, including but not limited to, any debts that the United States may collect through the Treasury Offset Program

(the “Returnable Amount”). Following entry of this Stipulation and Agreement by the Court, and after SHANTE PRUITT’s attorney has supplied the United States with SHANTE PRUITT’s social security number, EIN number and the Automated Clearing House (“ACH”) information for electronic deposit of the Returnable Amount, the United States Department of Treasury, or its delegate, shall disburse the Returnable Amount to SHANTE PRUITT through the Electronic Payment System (“EPS”) by electronic deposit into SHANTE PRUITT’s attorney’s IOLTA account.

7. Upon signing below, SHANTE PRUITT agrees to unconditionally release, remise and forever discharge the United States, and its agencies, agents, officers, and employees, past and present, and all other persons, including but not limited to, agents and employees of DEA, the United States Attorney’s Office, the USMS, any individual local law enforcement officers, departments or agencies, and any other persons who participated in or assisted in any aspect of this action and underlying investigation, from any and all actions, claims, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, and/or demands in law or equity, which SHANTE PRUITT, and/or her assignees, agents, officers, employees, heirs, or successors in interest had, now has or may have against the United States and its agencies, agents, officers, employees, past and present, and other persons involved in the seizure or forfeiture of the Defendant Currency, for, or on account of,

the incidents or circumstances giving rise to any aspect of the seizure, investigation, or forfeiture proceedings.

8. The Parties agree that this Stipulation and Agreement applies exclusively to the asset forfeiture matters arising from the seizure of the Defendant Currency, and in no manner immunizes SHANTE PRUITT from criminal prosecution for any illegal conduct associated with the Defendant Currency.

9. By signing this Stipulation and Agreement, SHANTE PRUITT declares that she has read the terms of this Stipulation and Agreement, has consulted with her attorney, and fully understands the terms, conditions, and consequences of this Stipulation and Agreement and that she is aware of her rights in this forfeiture action.

10. The Parties stipulate and agree that each side shall bear its own costs and attorneys' fees in this action.

11. This Stipulation and Agreement encompasses the full agreement of the Parties regarding the Defendant Currency.

12. Upon entry of this Stipulation and Agreement for Consent Judgment and Final Order of Forfeiture, this case shall be **DISMISSED WITHOUT PREJUDICE**.

WHEREFORE, the Parties stipulate and agree to entry of this Stipulation and

Agreement for Consent Judgment and Final Order of Forfeiture.

Agreed as to form and substance:

BARBARA L. McQUADE
United States Attorney

s/Philip A. Ross
PHILIP A. ROSS
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s/Ben M. Gonek
BEN M. GONEK, ESQ.
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(313) 962-5210
ben@goneklaw.com
[P-43716]

Dated: February 10, 2015

Dated:

s/Shante Pruitt, please see attached page
SHANTE PRUITT
Claimant

Dated:

IT IS SO ORDERED:


Dated: February 26, 2015

s/Robert H. Cleland
HONORABLE ROBERT H. CLELAND
United States District Court Judge

Agreement for Consent Judgment and Final Order of Forfeiture.

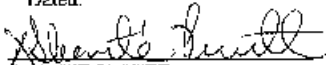
Agreed as to form and substance:

BARBARA L. McQUADE
United States Attorney


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[P-43716]

Dated: 2/10/15

Dated:

SHANTE PRUITT
Claimant

Dated:

IT IS SO ORDERED:

Dated: HONORABLE ROBERT H. CLELAND
United States District Court Judge